

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, Ca 95814



October 17, 1983

ALL-COUNTY LETTER NO. 83-109

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: REYNA VS. McMAHON STATE-ONLY AFDC-U FOR STRIKERS

## REFERENCE:

The Superior Court of California, City and County of San Francisco, on October 6, 1983, issued a Preliminary Injunction (Attachment 1) in the case of Reyna vs. McMahon. In the case, the court granted the plaintiffs' request that the court enjoin and restrain the Department of Social Services from: 1) applying EAS Sections 44-206.1(f) and 44-206.22 to applicants for or recipients of State-only AFDC-U benefits, and 2) failing and refusing to provide State-only AFDC-U benefits to strikers who are otherwise eligible.

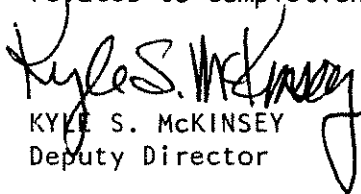
The judge ordered that the Department shall: 1) inform county welfare departments of the terms of the order no later than October 17, 1983, and instruct the county welfare departments to comply immediately, 2) instruct the counties to notify all persons who are denied State-only AFDC-U benefits or whose benefits were discontinued based upon the striker provisions in EAS Section 44-206 by sending them an appropriate notice by November 21, 1983, 3) provide copies of all instructions and notices to the plaintiffs' counsel, 4) post a general notice regarding this case in all county welfare departments and request the Employment Development Department to post the notice in its public offices, and 5) report to plaintiffs' counsel the actions taken to comply with the order.

Even though the Department will appeal the invalidation of the regulations as applied to State-only AFDC-U, county welfare departments are required to take the following actions:

1. Effective immediately, approve State-only AFDC-U benefits to those families or persons who apply for and would otherwise be eligible for Federal AFDC-U or State-only AFDC-U benefits, except that the caretaker relative or other person in the assistance unit is on strike. Only persons currently on strike will be entitled to benefits under this order. The preliminary injunction does not require that retroactive benefits be paid for any prior period.

2. County welfare departments are required to use any means currently available which would result in the ability to readily identify cases which were affected by EAS Sections 44-206.1(f) and 44-206.22 since April 1982 and send those families or persons the attached "Important Notice" (Attachment II). A manual case search is not required. If, for example, a county is able to readily identify cases which were mailed a Notice of Action specific to the striker provisions, then this method must be used. Those cases to be identified include any family's or person's benefits denied, reduced, or discontinued from Federal AFDC-U or State-only AFDC-U benefits on the basis of the striker provisions.
3. Post the attached "General Notice" (Attachment III) in each county welfare department office which is open to the public.
4. Complete and return the attached "Response Form" (Attachment IV) to the Department of Social Services, AFDC Program Development Bureau, 744 P Street, Sacramento, CA 95814, Attention: Diane Munso by November 30, 1983.

If you have any questions concerning this letter, please contact Bobbie Holm at (916) 324-2014 if the question relates to an individual's eligibility for benefits under the court order or Diane Munso at (916) 324-2004 if the question relates to completion of the "Response Form" included as Attachment IV.

  
KYLE S. McKINSEY  
Deputy Director

Attachments

cc: CWDA

1 EVELYN R. FRANK  
 2 LEGAL AID SOCIETY OF ALAMEDA COUNTY  
 2357 San Pablo Avenue  
 3 Oakland, California 94612  
 Telephone: (415) 465-4376

4 RALPH MURPHY  
 ELIZABETH R. ARNOLD  
 5 JANE GRANT KERR  
 CONTRA COSTA LEGAL SERVICES FOUNDATION  
 1017 MacDonald Avenue, P.O. Box 2289  
 6 Richmond, California 94802  
 Telephone: (415) 233-9954

7 Attorneys for Plaintiffs

8 SUPERIOR COURT OF CALIFORNIA

9 CITY AND COUNTY OF SAN FRANCISCO

11	MANUAL REYNA, et al.,	)	NO. 812764
12	Plaintiffs,	)	
13	vs.	)	
14	LINDA McMAHON, et al.,	)	<u>PRELIMINARY INJUNCTION</u>
15	Defendants.	)	

16 Plaintiffs' application for a preliminary injunction came on  
 17 regularly for hearing by the court on September 28, 1983,  
 18 pursuant to an order to show cause issued on August 11, 1983.  
 19 Plaintiffs were represented by Evelyn R. Frank and Ralph Murphy.  
 20 Defendants Department of Social Services and McMahon were  
 21 represented by Charleton G. Holland, Deputy Attorney General.  
 22 Defendants Department of Finance and Michael Franchetti did not  
 23 appear.

24 Upon proof made to the satisfaction of the court, and good  
 25 cause appearing therefor,

26 IT IS ORDERED that during the pendency of this action the  
 27 above-named defendants, and each of them, and their officers,  
 28

1 agents, employees, representatives, and all persons acting in  
2 concert or participating with them, shall be and they are hereby  
3 enjoined and restrained from engaging in the following acts:

4 1. Applying EAS §§44-206.1(F) and 44-206.22 to applicants  
5 for or recipients of State-only AFDC-U benefits;

6 2. Failing and refusing to provide State-only AFDC-U  
7 benefits to strikers, as otherwise eligible;

8 3. Failing and refusing to pay State-only AFDC-U benefits  
9 to plaintiff Manuel Reyna, as eligible, from the date of his  
10 application forward, without regard to the striker provisions of  
11 EAS §44-206.

12 In implementation of the foregoing order, IT IS FURTHER  
13 ORDERED that defendants Department of Social Services and McMahon  
14 shall:

15 (1) Inform the county welfare departments of the terms of  
16 this order no later than Thursday, October <sup>17</sup>~~18~~, 1983, and instruct  
17 them immediately to comply therewith.

18 (2) Instruct the county welfare departments to notify all  
19 persons whose applications for State-only AFDC-U benefits were  
20 denied or whose benefits were discontinued on the basis of the  
21 striker provisions of EAS §44-206, that they may now be eligible  
22 to apply for and receive such benefits, by sending them <sup>4</sup>~~the~~

23 notice attached hereto as Exhibit A. Said notice shall be sent  
24 no later than November <sup>21</sup>~~17~~, 1983.

25 (3) Provide a copy of all instructions and notices sent by  
26 DSS pursuant to this order to plaintiffs' counsel within <sup>five (5)</sup>~~two (2)~~ 8  
27 days after they are sent to the counties.

28 (4) Cause a notice containing ~~the~~ language in Exhibit B,

substantially in the  
form of that

1 hereto, to be posted in all county welfare department offices  
2 open to the public, and provide such notices to the Department of  
3 Employment Development, with a request that they be posted in all  
4 of its offices which are open to the public.

5 (5) Provide plaintiffs' counsel with a report stating: (a)  
6 ~~the number of notices sent by each county pursuant to paragraph~~  
7 ~~(2), above, and the date on which they were sent; (b) the number~~  
8 ~~of persons who responded to the notices, by county; (c) of those~~  
9 ~~who responded, the number of persons who were granted benefits,~~  
10 ~~by county.~~ Said report shall be provided no later than December  
11 15, 1983.

12 The provisions of this preliminary injunction are  
13 prohibitory, Jaynes v. Weickman (1921) 51 Cal.App. 696, Unified  
14 Railroads of San Francisco v. Superior Court (1916) 172 Cal. 80,  
15 and shall not be stayed in the event of an appeal.

16 IT IS FURTHER ORDERED that the above order issue without  
17 plaintiffs filing a bond.

18 The court reserves jurisdiction to modify this injunction as  
19 the ends of justice may require.

20  
21 Dated: 10/6/83

22   
23 JUDGE OF THE SUPERIOR COURT  
24  
25  
26  
27  
28

IMPORTANT NOTICE

Your application for AFDC benefits was denied or your AFDC benefits were discontinued or reduced on the grounds that you or another member of your family were on strike. Because of a recent court order in Reyna v. McMahon (San Francisco Superior Court) IF YOU ARE STILL ON STRIKE, YOU MAY NOW BE ELIGIBLE TO RECEIVE AFDC.

If you wish to do so, you should immediately contact your county welfare department. Bring this letter with you.

If you have any questions, you may also contact your local welfare rights organization or Legal Aid office, or you may contact plaintiffs' attorneys (see bottom of page):

AVISO IMPORTANTE

Se negó su solicitud para beneficios de AFDC o se descontinuaron o se redujeron sus beneficios de AFDC con base en que usted u otro miembro de su familia estaba participando en una huelga. En virtud de una orden reciente de la corte en el caso de Reyna vs. McMahon (Corte Superior de San Francisco). SI USTED TODAVIA ESTÁ EN HUELGA, ES POSIBLE QUE AHORA SEA ELEGIBLE PARA RECIBIR AFDC.

Si desea hacerlo, debe ponerse en contacto con su departamento de bienestar del condado inmediatamente. Traiga esta carta con usted.

Si tiene alguna pregunta, también puede ponerse en contacto con su organización local de derechos de los recipientes de ayuda pública o la oficina de ayuda legal (Legal Aid), o puede ponerse en contacto con los abogados de los demandantes:

Elizabeth Arnold  
Contra Costa Legal Services Foundation  
1017 MacDonald Avenue, P.O. Box 2289  
Richmond, California 94802  
Telephone: (415) 233-9954

Evelyn R. Frank  
Legal Aid Society of Alameda County  
2357 San Pablo Avenue  
Oakland, California 94612  
Telephone: (415) 465-4376

GENERAL NOTICE

WERE YOU DENIED AFDC BENEFITS BECAUSE YOU ARE ON STRIKE?

The San Francisco Superior Court has recently ruled, in Reyna v. McMahon, that strikers are eligible for state-only AFDC-U benefits. Such benefits are available for a maximum of three months per year, to families with children who meet all other eligibility requirements.

If you wish further information, or if you wish to apply, contact your local welfare department.

AVISO GENERAL

¿SE LE NEGARON LOS BENEFICIOS DE AFDC PORQUE ESTÁ EN HUELGA?

Recientemente la Corte Superior de San Francisco dictaminó, en el caso de Reyna vs. McMahon, que los huelguistas son elegibles para recibir beneficios de AFDC-U solamente del estado con base en desempleo. Las familias con niños que reunan todos los otros requisitos de elegibilidad pueden recibir dichos beneficios por un máximo de tres meses cada año.

Si necesita más información, o si desea presentar una solicitud, póngase en contacto con su departamento de bienestar del condado local.

Attachment IV

Reyna vs. McMahon

Response Form

1. Can potentially eligible cases be identified in accordance with the requirements of this All County Letter?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. If yes, please specify:

- a) the number of potentially eligible cases in your county \_\_\_\_\_
- b) the method used to identify potentially eligible cases \_\_\_\_\_
- c) Date potentially eligible cases notified. \_\_\_\_\_

3. If no, please specify what would be necessary for your county to identify these cases.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Return completed form to:

AFDC Program Development Bureau  
State Department of Social Services  
744 P Street, M.S. 16-25  
Sacramento, CA 95814

Attention: Diane Munso

Your Name (PRINT)	Date
Signature	Phone Number
County	